

## **6. CONSULTATION AND PERMIT REQUIREMENTS**

### **6.1. PERMIT REQUIREMENTS**

#### **NATIONAL ENVIRONMENTAL POLICY ACT**

This EA was prepared pursuant to NEPA (42 U.S.C. 4321 et. seq.) and the Council of Environmental Quality (CEQ) Implementing Regulations, which require Federal agencies to assess the impacts that their proposed actions may have on the environment. Based on information in the EA, BPA will determine whether the proposal significantly affects the quality of the human environment. If it does, an EIS is required. If BPA determines that the proposal would not have significant impacts, a FONSI would be prepared.

#### **UNITED STATES FOREST SERVICE SPECIAL USE PERMIT**

The USFS is required to issue Special Use Permits for activities on USFS land not specifically allowed under its Forest Management Plans. Application was made by the holder of the permit, James R. Lukens, IDFG Salmon Region (holder number 1000-09). Special Use Permit FS# 2700-4 was issued, and expires on December 31, 2002. Holder is authorized to use or occupy National Forest System lands on the Salmon-Challis National Forest, subject to the conditions set out in the permit.

#### **THREATENED AND ENDANGERED SPECIES AND CRITICAL HABITAT**

The Endangered Species Act of 1973, as amended, requires that Federal agencies ensure that their actions do not jeopardize threatened or endangered species and their critical habitats. It also gives review authority to USFWS and NMFS.

A Section 10 permit for direct take of juvenile chinook salmon from all program area streams for captive rearing has been issued by NMFS (1998). This would be updated to include the remaining actions described in this EA, including releasing adults. BPA and IDFG would ensure that all necessary consultations and permits are obtained prior to undertaking the actions proposed in this EA, and that any permit conditions are followed.

#### **WETLANDS AND FLOODPLAINS PROTECTION**

There would be no impacts from any ground-disturbing activities to either floodplains or wetlands at the site. All equipment for all activities is short term and temporary and would be removed following use.

#### **STATE, AREAWIDE, AND LOCAL PLAN AND PROGRAM CONSISTENCY**

There are no applicable state or local plans.

### **HERITAGE CONSERVATION**

Potential effects of any future improvements and operations at the two hatcheries and marine laboratory would be negligible because all work would be done within the confines of the existing hatchery properties. No new property would be acquired, so land uses would not change. There will be no ground-disturbing activities and, therefore, cultural resources surveys would not be needed and no cultural resources of any kind would be disturbed.

### **PERMITS FOR DISCHARGES INTO WATERS OF THE UNITED STATES**

A permit for discharge into waterways of the United States would not be required.

### **CLEAN WATER ACT**

No activities from the Proposed Action would adversely affect water quality.

### **SAFE DRINKING WATER ACT**

The proposed action would not affect a sole-source aquifer because work would be done within existing structures.

### **RESOURCE CONSERVATION AND RECOVERY ACT**

No hazardous waste products would be used, discarded, or produced by this project.

### **FARMLAND PROTECTION POLICY ACT**

The proposed project would not affect any prime, unique, or other important farmland as defined in the Farmland Protection Policy Act (7 U.S.C., 4201 et seq.).

### **RECREATION RESOURCES**

The proposed action would not affect Wild and Scenic Rivers, National Trails, Wilderness Areas, National Parks, or other specially designated recreational areas.

### **THE EXECUTIVE ORDER ON ENVIRONMENTAL JUSTICE**

The project would not adversely affect minority or disadvantaged groups—no adverse effects on any human groups or individuals are expected.

### **NOISE CONTROL ACT**

The present use and operation of the facilities would not create noise problems.

### **GLOBAL WARMING**

The project would not create conditions that would increase the potential for global warming.

### **COASTAL ZONE MANAGEMENT CONSISTENCY**

The proposed project is not in a coastal zone.

### **PERMITS FOR STRUCTURES IN NAVIGABLE WATERS**

The project would not involve construction, removal, or rehabilitation of any structures in navigable waters.

### **PERMITS FOR RIGHTS-OF-WAY ON PUBLIC LANDS**

The proposed action requires no right-of-way on land managed by another Federal agency. See above, United States Forest Service Special Use Permit.

### **CLEAN AIR ACT**

The proposed action would not cause air emissions. Vehicles used in the course of the project will be maintained to minimize emissions.

### **FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT**

No substances regulated by this Act would be used as part of the project.

### **TOXIC SUBSTANCES CONTROL ACT**

No toxic substances would be used on this project.

### **ENERGY CONSERVATION AT FEDERAL FACILITIES**

Energy conservation practices are not relevant to the proposed project or the alternative because the hatcheries and marine laboratory are not Federal facilities.

### **MIGRATORY BIRD TREATY ACT**

The project would not intentionally take any MBTA-listed birds.

## **6.2. CONSULTING AGENCIES AND INTERESTED PARTIES**

- National Marine Fisheries Service
- Nez Perce Tribe
- Shoshone-Bannock Tribe
- United States Fish and Wildlife Service
- United States Forest Service
- University of Idaho